

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

IAN SHARPE,

Plaintiff

-vs-

LT. CLARKSON, C.O. PARKER,
C.O. HEARD,

Defendants

NO. 3:CV-05-1927

(Judge Kosik)

ORDER

AND NOW, this 6th day of July, 2006, IT APPEARING TO THE COURT THAT:

(1) On July 5, 2006, Magistrate Judge J. Andrew Smyser issued a Report and Recommendation in the above-captioned *Bivens* civil rights action wherein he asserts that the defendants filed a motion to dismiss, or in the alternative, for summary judgment and brief in support thereof; that the plaintiff failed to file any opposition to the motion; that an Order was issued directing plaintiff to respond to the defendants' motion and brief within a specified time frame; that plaintiff was warned that if he failed to file opposition, the action would be dismissed pursuant to Fed.R.Civ.P. 41(b); and that the plaintiff failed to file timely opposition;

(2) Moreover, the Magistrate Judge states that on June 30, 2006, the plaintiff filed a letter with the court asking that the case be withdrawn;

(3) The Magistrate Judge recommends that the action be dismissed and, we concur with the Recommendation;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge J. Andrew Smyser dated July 5, 2006 (Document 45) is **ADOPTED**;

(2) The above-captioned action is **DISMISSED**; and,

(3) The Clerk of Court is directed to **CLOSE** this case and to forward a copy of this Order to the Magistrate Judge.

s/Edwin M. Kosik
United States District Judge